

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL NO. 04-30124-MAP

ALEX DELGADO, Petitioner,

vs.

KATHLEEN M. DENNEHEY, Respondent.

PETITIONER'S MOTION FOR ENLARGEMENT
OF TIME FOR FILING MOTIONS

Petitioner Alex Delgado moves the Court for additional time in which to comply with its order directing that the parties file dispositive motions or a motion for an evidentiary hearing on or before January 28, 2005. In connection with his claims that his right to a jury representing a fair cross section of the population was violated, and that the state courts violated his right to access to the data and resources necessary to present his fair cross section claim, Petitioner intends to file *ex parte* motions requesting an order or orders granting him financial assistance under the Criminal Justice Act. Undersigned counsel is in communication with a demographics expert and is assembling the information needed to inform the Court of nature and cost of the expert assistance needed to develop the factual bases of these claims. Counsel must also obtain an affidavit of indigency by Petitioner Delgado to support this application. The least expensive means of doing that is to utilize the U.S. mails, which are subject to the vicissitudes of the prison security systems and often take longer than ordinary mail exchanges do. Undersigned counsel has notified Respondent's counsel that he intends to make such a request and will need additional time in which to obtain the supporting

information; Respondent's counsel assents to this request.

Wherefore, Petitioner Alex Delgado requests an order permitting him to submit his ex parte motion for financial assistance on or before February 11, 2005.

Respectfully submitted,
ALEX DELGADO, PETITIONER

By


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Certificate of Service

The undersigned certifies that a true and accurate copy of the foregoing motion has been served upon Assistant Attorney General Annette Bennedetto, One Ashburton Place, Boston, MA 02108 by first class mail, postage prepaid, this 21st day of January, 2005.


John M. Thompson